

Weekly Federal Register Summary

Week of 11/9/2003

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Naval Facilities Engineering Service Center
Code 42

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Introduction

About the Report:

This weekly federal regulatory summary contains summaries of Federal Register notices and other information and is provided as a service of Naval Facilities Engineering Service Center, Port Hueneme, CA for various Navy and Marine Corps environmental personnel. Content is screened to include environmental and health/safety items specifically relevant to the Navy/Marine Corps or of broad general relevance to DOD.

Meetings -

Meeting cancellations and date changes appear only in the Upcoming Meetings section; they are not re-entered in the Summary of Issues.

Subscription:

Interested DOD personnel may receive a free weekly e-mail of this report. To subscribe or unsubscribe, log on to <http://regscreen.nfesc.navy.mil/htm/Subscribe.htm>. Contractors can be added to distribution if endorsed by their DOD contract representative via e-mail to us at regdesk@nfesc.navy.mil. Include the DOD representative's name, e-mail, phone number, job title, command, and address and your e-mail, phone number, company, and contractual responsibility area. If you have problems, or need assistance please contact us at regdesk@nfesc.navy.mil or 805/982-1276.

Web Database:

A companion website is available at <http://regscreen.nfesc.navy.mil> (access limited to .mil domains) where you can find and retrieve items from past issues of the Weekly Regulatory Summary, or get an overview of upcoming regulations.

Feedback:

We have made every effort to ensure that the information provided is accurate and that all significant regulatory actions have been included. If you believe that an important issue has been omitted from this report or that the information is incorrect, please contact us at 805/982-1276 or 805/982-2640, or via e-mail at regdesk@nfesc.navy.mil. Suggestions for improvement are also appreciated.

If you have specific concerns or would like to provide information to support Navy/DOD impacts from identified issues, please forward an e-mail detailing your comments. Please include the title and date of the issue. We may be contacted at: regdesk@nfesc.navy.mil or call 805/982-1276.

Summary of Issues

1. General

Perchlorate Toxicological Review	Date: 11/7/2003
Action Type: Notice	Cite: EPA Recent Additions
Summary: EPA has released a report summarizing a National Academy of Sciences peer review of EPA's "Draft Perchlorate Environmental Contamination: Toxicological Review And Risk Characterization." The report is available at http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=51762 Generally the review panel was supportive of EPA's work, but the report concludes with a page-long list of recommendations for additional research covering a wide range of areas. Most reviewers were opposed to one of several uncertainty factors applied by EPA in calculating a proposed reference dose of 0.00003 mg/Kg/Day. Removal of this uncertainty factor for "database insufficiencies in immunotoxicity" would presumably increase the reference dose by a factor of three.	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=72117	

2. CWA

Water Quality Standards Database Release 5.0	Date: 11/14/2003
Action Type: Notice, Information	Cite: EPA Recent Additions
Summary: EPA has published the Water Quality Standards Database Release 5.0 (WQSDB). The WQSDB is a single point of access to EPA and state water quality standards (WQS) information. This Web site provides access to several WQS reports that provide information about designated uses, water body names, state numeric water quality criteria, and EPA recommended numeric water quality criteria. The WQSDB allows users the ability to compare WQS information across the nation using standard reports. The WQSDB is at: http://www.epa.gov/wqsdatabase/	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://www.epa.gov/epahome/recentadditions.htm	

3. **Hazardous Material Transportation**

Houston, Texas Requirements on Storage of Hazardous Materials During Transportation	Date: 11/13/2003
Action Type: Notice and Request for Comments	Cite: 68 FR 64413
Summary: Air France has applied for a determination that Federal hazardous material transportation law, 49 U.S.C. 5101 et seq., preempts permit requirements contained in the Fire Code of the City of Houston and additional secondary containment and segregation requirements imposed by the Houston Fire Department on the handling or storage of hazardous materials by Air France at George Bush Intercontinental Airport. The specific provisions of the Fire Code challenged by Air France include -- A. Permits: - Sections 105.8.h.1 and 8001.3.1, which require a permit to store, transport on site, dispense, use or handle hazardous materials in excess of certain "exempt" amounts listed in Table 105-C of the Fire Code; - Sections 105.8.f.3 and 7901.3.1, which require a permit to store, handle, transport, dispense, or use flammable or combustible liquids in excess of the amounts specified in Sec. 105.8.f.3. 3. Sections 8001.3.2 and 8001.3.3, which specify that the HFD chief may require an applicant for a permit to provide a hazardous materials management plan (HMMP) and a hazardous materials inventory statement (HMIS), respectively, in accordance with the provisions of Appendix II- E of the Fire Code. B. Containment: - Sections 8003.1.3.3 and 7901.9, which require secondary containment in buildings, rooms or areas used for storage of hazardous materials and flammable or combustible materials, respectively, in excess of specified quantities; - Sections 8001.10.6, 8001.11.8, 7902.1.6, and 7902.5.9, which contain provisions on the use of storage cabinets to increase exempt amounts of hazardous materials or to separate incompatible materials. Comments are due by December 29, 2003. A list and subject matter index of hazardous materials preemption cases, including all inconsistency rulings and preemption determinations issued, are available through the home page of Research and Special Programs Administration's Office of the Chief Counsel, at: http://rspa-atty-dot.gov	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration, Washington, DC, 202-366-4400	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28254.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28254.pdf	

4. Hazardous Material Transportation

Pipeline Safety: Corrosion Threat to Newly Constructed Gas Transmission and Hazardous Liquid Pipelines		Date: 11/12/2003
Action Type: Notice		Cite: 68 FR 64189
Summary: Research and Special Programs Administration's Office of Pipeline Safety (OPS) is releasing an advisory bulletin to owners and operators of natural gas and hazardous liquid pipelines to consider the threat from external corrosion during and immediately after construction of new steel pipelines or pipeline segments. Operators are strongly encouraged to determine whether new pipelines are susceptible to interference and damage from stray electrical currents. Operators should carefully monitor and take action to mitigate any detrimental effects.		
This document is supposed to be posted (but was not available at press time) at: http://ops.dot.gov/new.htm		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: Richard Huriaux, 202-366-4565, richard.huriaux@rspa.dot.gov		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28326.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28326.pdf		

5. NEPA

Environmental Impact Statements and Regulations; Availability of EPA Comments		Date: 11/14/2003
Action Type: Notice		Cite: 68 FR 64621
Summary: The following is a summary of comments issued by EPA to the following projects: DRAFT EIS Rating EC2, 2nd Armored Cavalry Regiment Transformation and Installation Mission Support, Joint Readiness Training Center (JRTC) Stryker Brigade Combat Team, Long-Term Military Training Use of Kisatchie National Forest Lands, Fort Polk, LA (ERP No. D-USA-G11042-LA) EPA expressed environmental concerns and requested additional information on mitigation measure to reduce sediment loadings, mapping wetlands, and forest restoration. DRAFT EIS Rating EC2, Programmatic EIS--Army Transformation of the 172nd Infantry Brigade (Separate) to a Stryker Brigade Combat Team (SBCT), Propose Location Forts Wainwright and Richardson, AK. (ERP No. D-USA-L10005-AK) EPA expressed concerns regarding impacts on natural resources from increased in live-fire training and maneuver training. EPA requested that the Final EIS clarify impacts and include compensation information for natural resources.		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: No contact information provided.		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28571.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28571.pdf		

6. OSHA

Petition for Rule Declaring Natural Rubber Latex a Strong Sensitizer	Date: 11/14/2003
Action Type: Meeting Announcement	Cite: 68 FR 64610
Summary: The Consumer Product Safety Commission (CPSC) will conduct a public meeting on December 10, 2003, to receive comments concerning a petition requesting that the Commission declare natural rubber latex to be a strong sensitizer under the Federal Hazardous Substances Act, and that consumer products containing NRL be labeled. The CPSC staff's briefing package recommends that the Commission deny the petition. The petitioner asserts that a portion of the population has developed an allergy to NRL that can cause serious allergic reactions, even death. NRL may be in such consumer products as gloves, adhesives, shoes, balloons, pacifiers, and carpet backing, as well as many medical products.	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Suzanne Barone, Consumer Product Safety Commission, Washington, DC, (301) 504-7256, sbarone@cpsc.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28458.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28458.pdf	

7. OSHA

National Fire Codes: Request for Proposals for Revision of Codes and Standards	Date: 11/14/2003
Action Type: Notice	Cite: 68 FR 64591
Summary: The National Fire Protection Association proposes to revise 51 of its fire safety codes and standards, and requests proposals from the public to amend existing, or begin the process of developing new, NFPA fire safety codes and standards. Proposals are due by the date listed with each standard. Due dates range from January 5, 2004 to December 31, 2004. Most proposals are due by January 5, 2004. Proposed NEW drafts are available at: http://www.nfpa.org/Codes/TechnicalCommittees/Proposal/Proposal.asp	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Casey C. Grant, Standards Council, National Institute of Standards and Technology - Commerce, Quincy, MA, 617-770-3000	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28553.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28553.pdf	

8. OSHA

Assigned Protection Factors for Respiratory Protection	Date: 11/12/2003
Action Type: Proposed Rulemaking	Cite: 68 FR 64036
Summary: OSHA will hold an informal public hearing on January 28, 2004 in Washington, DC to receive testimony and documentary evidence on Assigned Protection Factors for respiratory protection.	
News releases and other relevant documents are at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=17969	
OSHA published a final, revised Respiratory Protection Standard, 29 CFR 1910.134, on January 8, 1998 (63 FR 1152), but reserved the sections of the final standard related to assigned protection factors (APFs) and maximum use concentration (MUC) pending further rulemaking. On June 6, 2003, (68 FR 34036), OSHA published a proposal to revise its existing Respiratory Protection Standard to add definitions and specific requirements for APFs and MUCs. The proposed revisions also would supersede the respirator selection provisions of existing substance-specific standards with these new APFs. OSHA has not indicated when they expect to finalize this rulemaking.	
Potential Impact or Relevance: Provided for information only.	CFR References: 29 CFR 1910 29 CFR 1915 29 CFR 1926
Further Information: John Steelnack, Office of Biological Hazards, Room N-3718, OSHA, Washington, DC, 202-693-2289	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28357.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28357.pdf	

Upcoming Meetings

General

EPA's Draft Report on the Environment, 2003

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26052.htm>

Location	Start Date	Start Time	Duration	Details
San Francisco, CA	11/18/2003	9:00 AM	1 Day	
Seattle, WA	11/20/2003	9:00 AM	1 Day	
Dallas, TX	12/12/2003	9:00 AM	1 Day	

CBR and Security

Advisory Panel To Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27937.htm>

Location	Start Date	Start Time	Duration	Details
Arlington, VA	11/17/2003	8:30 AM	2 Days	

Federal Radiological Preparedness Coordinating Committee Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27626.htm>

Location	Start Date	Start Time	Duration	Details
Rockville, MD	12/2/2003	9:00 AM	1 Day	

Hazardous Material Transportation

Pipeline Safety: Gas and Hazardous Liquid Stress Corrosion Cracking Workshop

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25894.htm>

Location	Start Date	Start Time	Duration	Details
Houston, TX	12/2/2003	8:00 AM	1 Day	

NEPA

San Jacinto River and Upper Santa Margarita River Watersheds, Riverside County, CA - Draft EIS for a Special Area Management Plan

Full Text

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr26de02-47

Location	Start Date	Start Time	Duration	Details
Hemet, CA	11/23/2003	6:30 PM	1/2 Day	

OSHA

Assigned Protection Factors for Respiratory Protection

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28357.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	1/28/2004	10:00 AM	1 Day	